

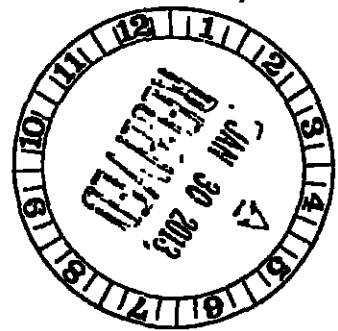
BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE. (202) 663-7820
FACSIMILE. (202) 663-7840

ROBERT A WIMBISH



233756

(202) 663-7824 (Direct Dial)
E-Mail: rwimbish@bakermiller.com

January 30, 2013

RECEIVED

JAN 30 2013

**SURFACE
TRANSPORTATION BOARD**

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re *Norfolk Southern Railway Company – Abandonment Exemption – In Calhoun
County, Alabama, STB Docket No. AB-290 (Sub-No. 334X)*

Dear Ms. Brown:

Pursuant to the Board's abandonment class exemption procedures for lines with no local business for at least two years (49 C.F.R. part 1152, subpart F), enclosed are an original and 11 copies of a verified abandonment notice of exemption for the abandonment of a rail line owned by Norfolk Southern Railway Company

A check in the amount of \$3,700.00 is enclosed to cover the applicable filing fee.

Please acknowledge receipt and filing of this notice of exemption by date stamping the enclosed eleventh copy and returning it to the courier to return to me.

FILED

JAN 30 2013

**SURFACE
TRANSPORTATION BOARD**

Sincerely,

R. A. Wimbish

Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

Enclosures

cc: Maquiling Parkerson, Marc Kirchner, Kearston St Dennis

ENTERED
Office of Proceedings

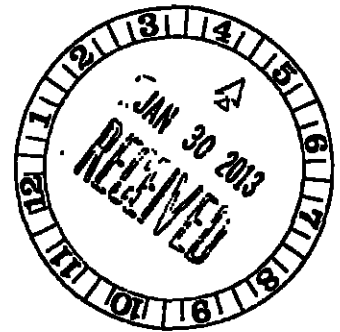
JAN 30 2013

Part of
Public Record

233756

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

STB Docket No. AB-290 (Sub-No. 334X)



NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN CALHOUN COUNTY, ALABAMA

ENTERED
Office of Proceedings

JAN 30 2013

Part of
Public Record

VERIFIED NOTICE OF EXEMPTION

FILE RECEIVED

JAN 30 2013

SURFACE
TRANSPORTATION BOARD

FILED

JAN 30 2013

SURFACE
TRANSPORTATION BOARD

Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax: (202) 663-7849

Attorney for Norfolk Southern
Railway Company

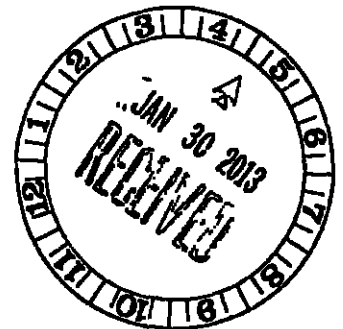
January 30, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 334X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN CALHOUN COUNTY, ALABAMA**

VERIFIED NOTICE OF EXEMPTION



Norfolk Southern Railway Company ("NSR") hereby submits the following verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights), to abandon approximately 1.81 miles of rail line (hereinafter, the "Line") located in Calhoun County, Alabama. The Line extends from former Eastern Alabama Railway milepost LAM 508.08 to milepost LAM 509.89 in Calhoun County, Alabama.

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of its abandonment notice:

Certification: 49 C.F.R. § 1152.50(b)

NSR certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of R.A. Bartle, General Manager Western Region for Norfolk Southern Railway Company, attached hereto as Exhibit A. During the past two years, there has been no local or overhead common carrier service provided over the Line, nor have there been any requests for common carrier service.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The abandonment will be consummated on or after March 21, 2013 (50 days after filing the notice of exemption)

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

Norfolk Southern Railway Company

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

NSR is a Class I common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C Subtitle IV

Relief sought (49 C.F.R. § 1152.22(a)(3))

NSR seeks to abandon roughly 1.81 miles of rail line located in Anniston, Calhoun County, Alabama. The Line extends from former Eastern Alabama Railway milepost LAM 508.08 (near the intersection of W 10th and Pipe Streets in Anniston) to milepost LAM 509.89 (to the east of the eastern end of W 30th Street, also in Anniston).

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicant's representative (49 C.F.R. § 1152.22(a)(7)):

NSR's representative to whom correspondence regarding this abandonment and discontinuance of service proceeding should be sent is as follows.

Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)).

The Line traverses United States Postal Zip Code territory 36201.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(c)(4)):

NSR has no opinion as to whether or not the line and its right-of-way would be suited for other public purposes, and NSR is unaware of any plans targeting any or all of the subject right-of-way for such purposes. The Line does not contain federally-granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

Because the Line has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment and discontinuance authority. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying that NSR has complied with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as Exhibit D is a certification of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11.

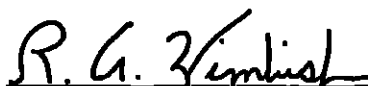
Environmental and Historic Report

As is reflected in its certification of compliance with the provisions of 49 C.F.R. § 1105.11 (Exhibit D), NSR has prepared a consolidated Environmental and Historic Report

("E&IR") for the Line, which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8.

A copy of that E&IR is attached hereto as Attachment I to Exhibit D (NSR's § 1105.11 certification).

Respectfully submitted.



Robert A. Wimbish
BAKER & MILLER P.L.L.C.
2401 Pennsylvania Ave. NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax: (202) 663-7849

Attorney for Norfolk Southern Railway Company

January 30, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 334X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN CALHOUN COUNTY, ALABAMA**

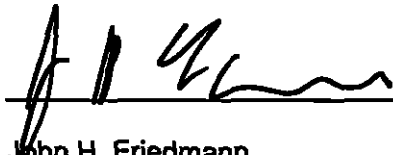
VERIFIED NOTICE OF EXEMPTION

VERIFICATION

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board

Executed this 10th day of December, 2012.



John H. Friedmann
Vice President

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 334X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN CALHOUN COUNTY, ALABAMA**

VERIFIED NOTICE OF EXEMPTION

EXHIBIT A

CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

ss.

CITY OF ATLANTA:

R. A Bartle makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company, that the line between milepost LAM 508.08 and milepost LAM 509.89 in Calhoun County, Alabama, over which service is to be abandoned, is subject to his supervision and direction, that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U S District Court or has been decided in favor of the complainant within the two-year period.



R A Bartle

Subscribed and sworn to before me
this 12th day of November, 2012.



Notary Public

My commission expires:

4/20/15

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 334X)

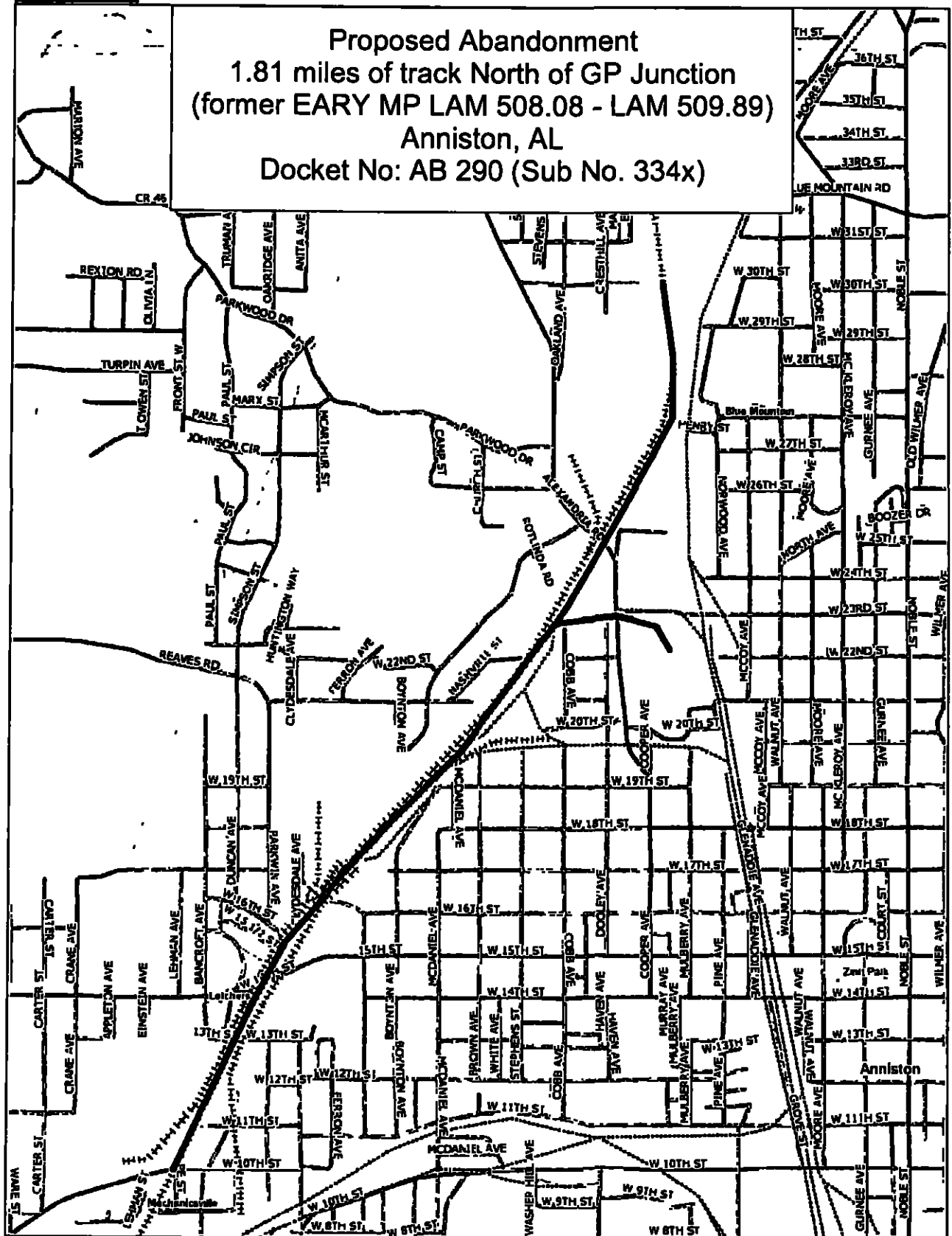
**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN CALHOUN COUNTY, ALABAMA**

VERIFIED NOTICE OF EXEMPTION

EXHIBIT B

MAP

Proposed Abandonment
1.81 miles of track North of GP Junction
(former EARY MP LAM 508.08 - LAM 509.89)
Anniston, AL
Docket No: AB 290 (Sub No. 334x)



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www.delorme.com



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 334X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN CALHOUN COUNTY, ALABAMA**

VERIFIED NOTICE OF EXEMPTION

EXHIBIT C

CERTIFICATIONS OF SERVICE/PUBLICATION

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on January 18, 2013, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Norfolk Southern Railway Company to use the Board's notice of exemption procedures to abandon approximately 1.81 miles of rail line located in Calhoun County, AL.

Public Service Commission

Britt Roberts, Director
Public Service Commission of Alabama
Transportation Division
P.O. Box 304260
Montgomery, AL 36130
(334) 242-5980

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
SDDC TEA
Railroads for National Defense
709 Ward Dr., Bldg 1990
Scott AFB, IL 62225
(618) 220-5741

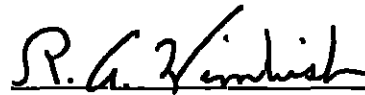
The National Park Service, Recreation Resources Assistance Division

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005
(202) 354-6900

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024
(202) 205-8439
S/W Sandy Berg, Office Manager

January 30, 2013



Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a "Notice of Intent to Abandon and to Discontinue Rail Service" was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on January 23, 2013, in The Anniston Star, a newspaper of general circulation in Calhoun County, IL.

January 30, 2013


Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

THE ANNISTON STAR

State of Alabama
Calhoun County

Before me, a notary public in and for the county and state above listed, personally appeared Carrie Hutto, who, by me duly sworn, deposes and says that "My name is Carrie Hutto I am the clerk of The Anniston Star. The Newspaper published the attached legal notice(s) in the issue(s) of.

January 23, 2013

The sum charged for publication was \$ 229.60. The sum charged by the Newspaper for said publication does not exceed the lowest classified rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper(s) in which the public notice(s) appeared. There are no agreements between the Newspaper and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney."

Carrie Hutto
AFFIANT

Sworn and subscribed this 23 day of January, 2013.

Alta Bolding
Notary Public

Ad# 264328

~~~~~

|                         |                    |   |        |
|-------------------------|--------------------|---|--------|
| THE DAILY HOME          |                    | H | 406011 |
| BOX 977                 | PHONE 256-382 1000 |   |        |
| TALLADEGA ALABAMA 35161 |                    |   |        |
| PHONE 256-249-4311      | SYLACAUGA          |   |        |
| 205 884-3400            | PELL CITY          |   |        |

DATE 1-23-13

☐ RECEIVED OF Baker & Miller 229.60

☒ PAID OUT TO pp clark 148850

ADDRESS FOR 264328

ARB AX

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**NOTICE OF
INTENT TO
ABANDON RAIL
SERVICE**

STB Docket No. AB-290
(Sub-No. 334X)

Norfolk Southern Railway Company ("NSR") gives notice that on or about January 30, 2013, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption pursuant to 49 C.F.R. Part 1152 Subpart F - Exempt Abandonments, permitting NSR to abandon approximately 1.81 miles of rail line (hereinafter, the "Line") located in Calhoun County, Alabama. The Line extends from former Eastern Alabama Railway milepost LAM 508.08 (near the intersection of W 10th and Pipe Streets in Anniston) to milepost LAM 509.89 (to the east of the eastern end of W 30th Street, also in Anniston). The subject Line traverses United States Postal Zip Code territory 36201. The proceeding will be docketed as STB Docket No. AB-290 (Sub-No. 334X).

The proposed action entails the abandonment of, and discontinuance of rail service over, the Line. The Board's Office of Environmental Analysis (OEA) will prepare an Environmental Assessment (EA), which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on the abandoning carrier's representative [See 49 C.F.R. § 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the abandoning carrier's representative: Robert A. Wimbish, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., #300, Washington, DC 20037; phone:

202-683-7824; fax
202-683-7849

The Anniston Star
Calhoun Co., AL
January 23, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 334X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN CALHOUN COUNTY, ALABAMA**

VERIFIED NOTICE OF EXEMPTION

EXHIBIT D

CERTIFICATION OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT REQUIREMENTS

**Environmental and Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No AB-290 (Sub-No 334X) was mailed via first class mail on October 30, 2012 to the following parties.

Alabama Department of Environmental
Management
1400 Coliseum Boulevard
Montgomery, AL 36110

Regional EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303 – 8960

Alabama Department of Conservation and
Natural Resources
Lands Division – Coastal Section
31115 Five Rivers Boulevard
Spanish Fort, AL 36527

Natural Resources Conservation Service
USDA
P.O. Box 311
Auburn, AL 36831 – 0311

Fish and Wildlife Services
Region 4
Century center
1875 Century Boulevard
Atlanta, GA 30345

USACE
Mobile District
P. O. Box 2288
Mobile, AL 36628-0001

Gene D. Robinson, Mayor
City of Anniston, Alabama
P. O. Box 2168
Anniston, AL 36202

James Henderson, Commissioner District 3
Calhoun Commissions Office
1702 Noble Street
Suite 103
Anniston, AL 36201

Alabama Highway Department
1409 Coliseum Boulevard
Montgomery, AL 36110


Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36104

National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington D C 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20004


Marcellus C. Kirchner
October 30, 2012

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 334X)

NORFOLK SOUTHERN RAILWAY COMPANY

PROPOSED RAIL LINE ABANDONMENT

**BETWEEN FORMER EASTERN ALABAMA RAILWAY MILEPOSTS
LAM 508.08 AND LAM 509.89
IN ANNISTON, CALHOUN COUNTY, ALABAMA**

Combined Environmental and Historic Report

October 30, 2012

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-290 (Sub-No. 334X)
NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN FORMER EASTERN ALABAMA RAILWAY MILEPOSTS
LAM 508.08 AND LAM 509.89
IN ANNISTON, CALHOUN COUNTY, ALABAMA**

Combined Environmental and Historic Report

Norfolk Southern Railway Company (NSR) submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of 1.81 miles of rail line between LAM 508.08 and Milepost LAM 509.89 in Calhoun County, Alabama.

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1)

Proposed Action and Alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE Norfolk Southern Railway Company (NSR) proposes to abandon 1.81 miles of rail line between Milepost LAM 508.08 and Milepost LAM 509.89 in Calhoun County, Alabama. The line has been out of service for several years.

Following abandonment, the line's track and track materials will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast or soil will be removed and no soil disturbance will occur (so no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. All track material is removed and steel components are either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations. Bridges on the line segment typically will be removed.

The alternative to abandonment is not to abandon the line and retain the track in place. This alternative is not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by non-existent on-line shippers were this

line segment to be retained.

A map delineating the line proposed for abandonment is attached as **Appendix A**. An example of NSR's letter to federal, state and local government agencies, along with a list of consulting agencies NSR has contacted, are attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation System

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic on the line segment proposed for abandonment.

49 CFR 1105.7(e)(3) Land Use

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: An outline of future land use plans has been requested from the City of Anniston and the Calhoun County Commission. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans. The City of Anniston responded by saying, "The proposed abandonment of the rail segment will hold no negative impact to the city and its development plans." The response is attached as part of **Appendix C**.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of

the proposed action on any prime agricultural land.

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service. The Alabama Department Natural Resources Conservation Service stated the proposed land is exempt and does not contain "prime farmland" under the definition of the Natural Resources Conservation Service nor that of the Department Regulation 9500-3. The response is attached in **Appendix C**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE Consultation was requested from Alabama Department of Conservation and Natural Resources, Lands Division – Coastal Section.

(iv) If the proposed action is an abandonment state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: NSR does not hold fee title to the entire right of way underlying the line proposed for abandonment. For this reason, NSR does not have a contiguous corridor available for public use

49 CFR 1105.7(e)(4) Energy

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment. No freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line,

and the line did not carry recyclable commodities when it was last in operation

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why

RESPONSE The proposed action will not result in an increase or decrease in overall energy.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given*

RESPONSE No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air

*(i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded

*(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:
(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

RESPONSE: The above thresholds will not be exceeded Calhoun County Alabama is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U S. Environmental Protection Agency, with the exception of 1-hr. ozone, 8-hr. ozone and particulate matter

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more, or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater.*

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE. Abandonment of the captioned rail line will have no significant effect upon public health or safety.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials

RESPONSE: Not applicable

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on or adjacent to the subject right of way.

49 CFR 1105.7(e)(8) Biological Resources

(i) Based on consultation with the U S Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. USFWS has advised that there are no federally listed endangered species in the project area. The response is attached in **Appendix C**.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: The line segment proposed for abandonment does not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies

RESPONSE: NSR does not intend to either alter the contour of the roadbed underlying the rail line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly no soils will be disturbed, and no storm water mitigation or National Pollutant Discharge Elimination System permits will be required. Also, there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so the proposed abandonment will not result in water quality impacts. Consultation has been requested from the Alabama Department of Conservation and Natural Resources and from the Alabama Department of Environmental Management (ADEM). ADEM has referred the matter to its Water Division's proposed project/activity review information. See Appendix C.

(ii) Based on consultation with the U S Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: NSR does not plan to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation or National Pollutant Discharge Elimination System permit will be required. NSR anticipates that the abandonment will not affect water quality or require the issuance of a Section 402 permit under the Federal Water Pollution Control Act. Nevertheless, NSR has requested input from the Alabama Department of Environmental Management (ADEM) and from the Alabama Department of Conservation and Natural Resources. ADEM has referred the matter to its Water Division's proposed project/activity review information. See Appendix C.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 1.81 miles of rail line between Milepost LAM 508.08 and Milepost LAM 509.89 in Calhoun County, Alabama. The line has been out of service for several years.

Following abandonment, the line's track and track materials will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed. The contours of the existing roadbed will remain as is, and existing drainage systems will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast or soil will be removed. No digging or burying of any kind will be permitted. All track material is removed, and steel components are either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations. Bridges on the line segment typically will be removed.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached in **Appendix**

A.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** – A map was furnished to Alabama Historical Commission.
- (2) **Written Description of Right of Way** -- The right-of-way width ranges from 15 feet to 50 feet on each side of the main track centerline. The line passes through suburban residential areas. Pursuant to Surface Transportation Board (STB) policy, the railroad right-of-way will constitute the Area of Potential Effect (APE) for this undertaking
- (3) **Photographs** – A photograph is attached of the bridge structure
- (4) **Date of Construction of Structures** – Unknown
- (5) **History of Operations and Changes Contemplated** - The line of railroad that is slated for abandonment is roughly 1.81 miles in length, extending from Milepost LAM 508.08 to Milepost LAM 509.89 in Calhoun County, Alabama. The line has been out of service for several years.

The rail line segment to be abandoned was part of a railroad originally constructed in 1883 by the Anniston and Atlantic Railroad (A&A). The A&A was founded by A.L. Tyler of Anniston, AL, and was a 53-mile narrow gauge railroad.

The A&A consolidated with Anniston & Cincinnati Railroad (A&C) to form the Alabama Mineral Railroad Company (AM RR) in 1890, and, in 1903 the subject line, among other AM RR assets, was acquired by Louisville and Nashville Railroad Company (L&N). The L&N ultimately became a part of CSX Transportation, Inc. (CSXT).

In 1990, CSXT sold the line to the Eastern Alabama Railway, then a short line subsidiary of Kyle Railways. In turn, Eastern Alabama Railway sold the line to NSR in 1993.

NSR does not have any records to indicate that the line slated for abandonment, including the bridge discussed above, possesses historic significance

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic - NSR acquired the subject line in 1993. It did not acquire any bridge engineering documents as part of the acquisition, and thus has nothing to offer with respect to the bridge's exact construction date, engineering drawings etc. The bridge, however, is about 20ft in length, open deck, and located around milepost LAM 508.37 just before West 13th street.

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – There is one structure within the project's APE – a bridge discussed in connection with the responses to items 3 and 6, above. NSR believes that neither the structure on the line nor the line itself meet the criteria for listing in the *National Register of Historic Places*. The subject bridge is short in length and of ordinary design and construction. NSR believes that there is nothing distinguishing this bridge from others in the region or on the NSR system generally. In addition, NSR has no reason to believe that there are archaeological resources or historic properties on or immediately adjacent to the line.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery
– The railroad is not aware of any prior subsurface ground disturbances or

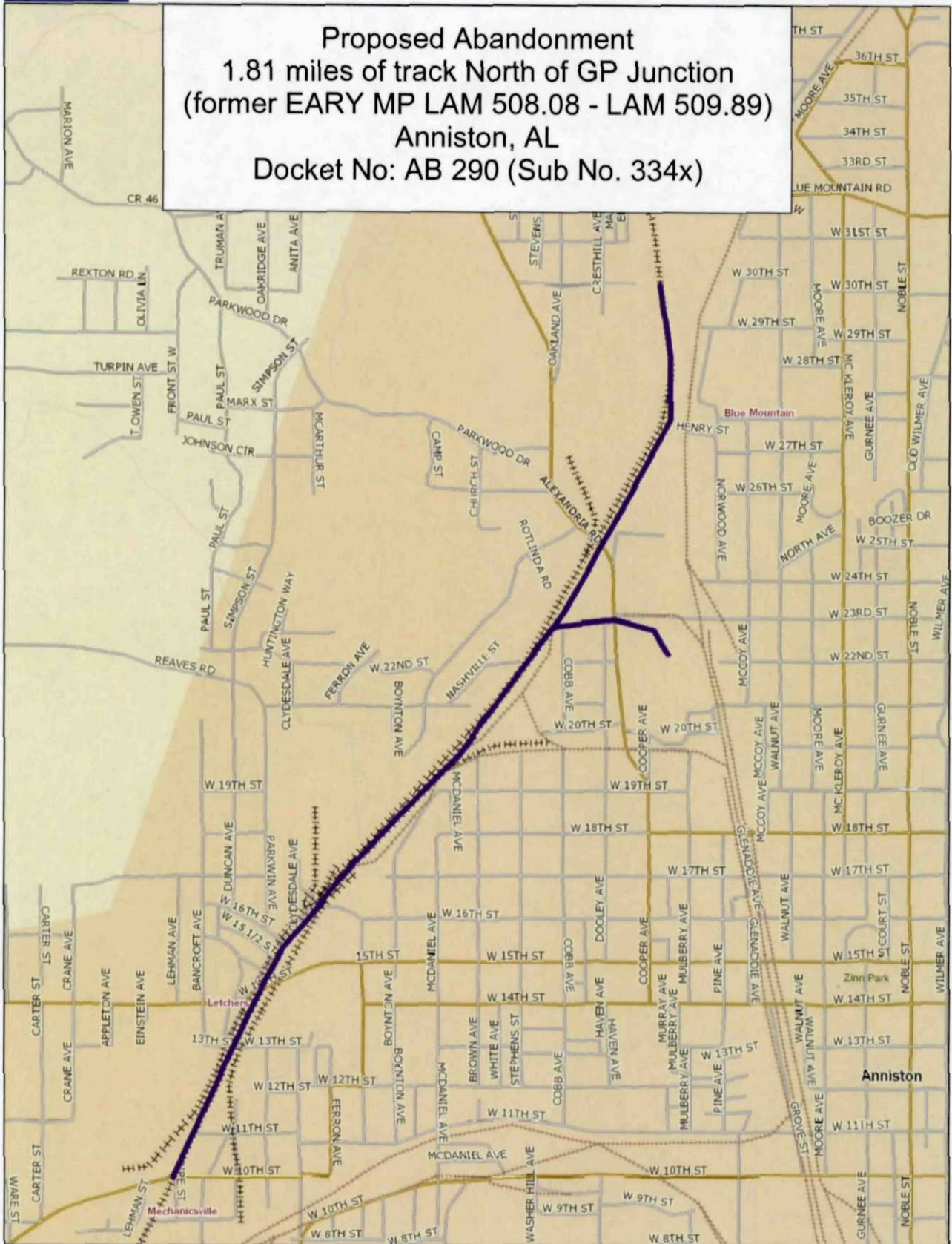
environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

(9) **Follow-Up Information** - Additional information will be provided as appropriate.

APPENDIX A

Site Map

Proposed Abandonment
1.81 miles of track North of GP Junction
(former EARY MP LAM 508.08 - LAM 509.89)
Anniston, AL
Docket No: AB 290 (Sub No. 334x)



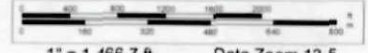
Data use subject to license.

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www.delorme.com



Scale 1 : 17,600



1" = 1,466.7 ft

Data Zoom 13-5

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment is 1.81 miles of rail line between former Eastern Alabama Railway Mileposts LAM 508.08 and LAM 509.89 in Calhoun County, Alabama.

Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110

Regional EPA - Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303 - 8960

Alabama Department of Conservation and Natural Resources
Lands Division - Coastal Section
31115 Five Rivers Boulevard
Spanish Fort, AL 36527

Natural Resources Conservation Service
USDA
P O. Box 311
Auburn, AL 36831 - 0311

Fish and Wildlife Services
Region 4
Century center
1875 Century Boulevard
Atlanta, GA 30345

USACE
Mobile District
P O Box 2288
Mobile, AL 36628-0001

Gene D Robinson, Mayor
City of Anniston, Alabama
P O Box 2168
Anniston, AL 36202

James Henderson, Commissioner
District 3
Calhoun Commissions Office
1702 Noble Street
Suite 103
Anniston, AL 36201

Alabama Highway Department
1409 Coliseum Boulevard
Montgomery, AL 36110

Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36104

National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington D C. 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

USEPA
Ariel Rios Building
1200 Pennsylvania Ave , NW
Washington, D.C 20004



Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9207

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

October 30, 2012

RE. STB Docket No AB-290 (Sub-No. 334X), Norfolk Southern Railway Company -
Abandonment – in Calhoun County, Alabama

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon 1.81 miles of rail line between former Eastern Alabama Railway Milepost LAM 508.08 and Milepost LAM 509.89 in Calhoun County, Alabama.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to.

Surface Transportation Board,
395 E Street, S W , Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to Kearston St. Dennis by email at Kearston.StDennis@nscorp.com, or by mail to:

Operating Subsidiary Norfolk Southern Railway Company

Kearston St. Dennis
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read "Marcellus C. Kirchner", with a long horizontal flourish extending to the right.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

APPENDIX C

Agency Responses

St. Dennis, Kearston Comegys

From: Toby Bennington <tbennington@annistonl.gov>
Sent: Tuesday, May 08, 2012 12:32 PM
To: Comegys, Kearston
Cc: 'Gene Robinson'
Subject: NS - Abandonment - in Calhoun County, Alabama

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Kirchner;

On behalf of Mayor Gene Robinson and myself, I am responding to your notice referenced as follows:

Docket No AB-290 (Sub-No. 334X), Norfolk Southern Railway Company-Abandonment-Calhoun County, Alabama

The proposed abandonment of the rail segment will hold no negative impact to the city and its development plans. The city is aggressively working and has identified West Anniston as a redevelopment and revitalization district. The City of Anniston is also holding hopes and focusing on plans that it will develop the eventual Chief Ladiga Trail. There are currently two major development projects underway in the vicinity of your abandonment totaling approximately 30 million dollars. The construction of the Calhoun County Department of Human Resources and the Justin Sollohub Justice Center, two state of the art integrated public activity centers in the heart of the downtown core district. The city has developed a downtown master plan with other identified improvements to come. The city also exercised the preparation of a West Anniston Revitalization plan to create synergy for planning and public involvement. The city has planned for additions and transportation connections with its Multimodal Center Master Plan. The planning and addition of the Coldwater Mountain Biking Trail will further open up areas and opportunities for bike, pedestrian and access points to neighborhoods, downtown commerce and community reinvestment. This spur could provide a connection for a multi-use trail leading to a connection to the Ladiga Trail on the north end of Anniston. Opportunities abound and any dialogue for this are welcomed.

We want to continue the support of our railroad system and its importance to commerce and industry. Please contact me with any request for information or any further assistance. Thank you.

Toby Bennington, AICP
City Planner
The City of Anniston
1128 Gurnee Avenue
Anniston, AL 36201
256-231-7754

256-239-9684 (cell)
<mailto:tbennington@annistonl.gov>

United States Department of Agriculture



Natural Resources Conservation Service
P O Box 311
3381 Skyway Drive
Auburn, AL 36830

Telephone: (334) 887-4559

May 16, 2012

Kearston Comegys, Coordinator Abandonments
Strategic Planning-12th Floor,
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

**RE: Docket No AB-290 (Sub-No. 334X), Norfolk Southern Railway
Company Abandonment- Calhoun County, AL.**

Dear Mr. Comegys:

Enclosed is soils information for the proposed abandonment of 1.81 miles of rail line located in the city of Anniston in Calhoun County, Alabama. The proposed area does contain prime farm land soil map units; however the proposed area is located in the city corporate limits and is exempt and does not contain "prime farmland" under the definition of the Natural Resources Conservation Service nor that of the Departmental Regulation 9500-3.

Please advise if additional information is needed.

Sincerely,

Lawrence E. McGhee
LAWRENCE MCGHEE
Assistant State Soil Scientist

Enclosure

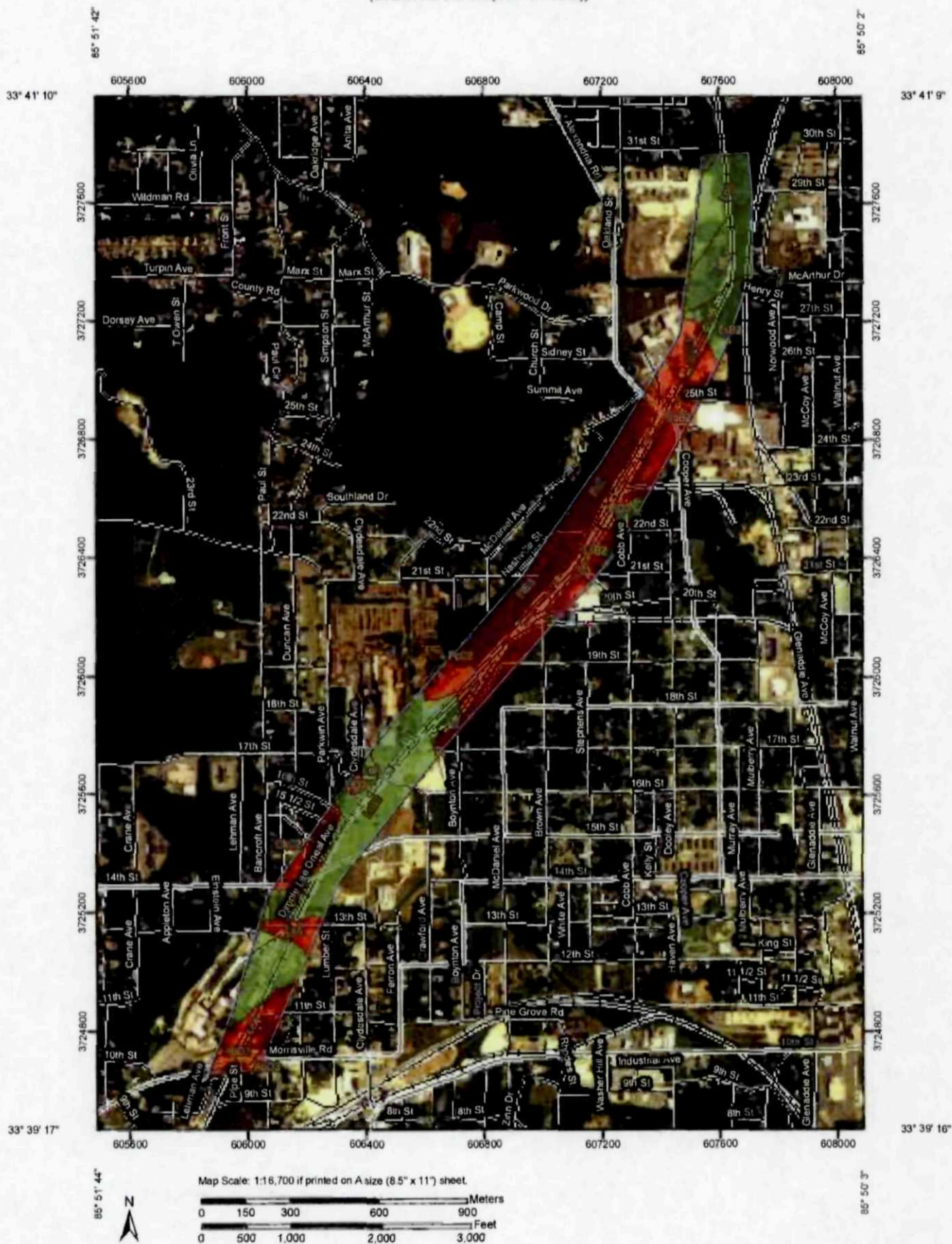
cc.
Milton Tuck, Resource Soil Scientist, NRCS, Tuscaloosa, AL

Helping People Help the Land

An Equal Opportunity Provider and Employer



Farmland Classification—Calhoun County, Alabama
(Docket No. AB 290(Sub No. 334x))




Farmland Classification—Calhoun County, Alabama
(Docket No. AB 290(Sub No. 334x))


MAP LEGEND

MAP INFOR


Area of Interest (AOI)


 Area of Interest (AOI)


Soils


 Soil Map Units


Soil Ratings


 Not prime farmland


 All areas are prime farmland


 Prime farmland if drained


 Prime farmland if protected from flooding or not frequently flooded during the growing season


 Prime farmland if irrigated


 Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season


 Prime farmland if irrigated and drained


 Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season


 Prime farmland if subsoiled, completely removing the root inhibiting soil layer

 Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 80

 Prime farmland if irrigated and reclaimed of excess salts and sodium

 Farmland of statewide importance

 Farmland of local importance


 Farmland of unique importance

Not rated or not available

Political Features


 Cities


Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes



Major Roads

Map Scale: 1:16,700 if printed on A

The soil surveys that comprise your 1:20,000.

Please rely on the bar scale on each measurements.

Source of Map: Natural Resource
Web Soil Survey URL: <http://websoilsurvey.sc.egov.usda.gov>
Coordinate System: UTM Zone 16

This product is generated from the L of the version date(s) listed below.

Soil Survey Area: Calhoun County
Survey Area Data: Version 7, Apr

Date(s) aerial images were photogra

The orthophoto or other base map o compiled and digitized probably diffe imagery displayed on these maps. At of map unit boundaries may be evid

Farmland Classification

Farmland Classification— Summary by Map Unit — Calhoun County, Alabama (AL015)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
AbD3	Anniston gravelly clay loam, 10 to 15 percent slopes, severely eroded	Not prime farmland	2.1	1.3%
CkC2	Clarksville cherty silt loam, 6 to 15 percent slopes, eroded	Not prime farmland	5.1	3.1%
FcC2	Fullerton cherty silt loam, 6 to 10 percent slopes, eroded	Not prime farmland	1.8	1.1%
FcE	Fullerton cherty silt loam, 15 to 25 percent slopes	Not prime farmland	9.7	5.9%
FID3	Fullerton cherty silty clay loam, 10 to 15 percent slopes, severely eroded	Not prime farmland	1.1	0.7%
FIE3	Fullerton cherty silty clay loam, 15 to 25 percent slopes, severely eroded	Not prime farmland	15.9	9.6%
LcA	Lee silt loam and cherty silt loam, 0 to 2 percent slopes	Not prime farmland	38.6	23.4%
LhC2	Lehew-montevallo soils, 2 to 10 percent slopes, eroded	Not prime farmland	7.5	4.5%
LoA	Lobelville cherty silt loam, local alluvium, 0 to 2 percent slopes	All areas are prime farmland	18.7	11.4%
LsB2	Locust gravelly fine sandy loam, 2 to 6 percent slopes, eroded	All areas are prime farmland	57.8	35.1%
RdB2	Rarden silt loam, shallow, 2 to 6 percent slopes, eroded	Not prime farmland	6.3	3.8%
Totals for Area of Interest			164.6	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

May 14, 2012

MARCELLUS C KIRCHNER
KEARSTON COMEGYS COORDINATOR ABANDONMENTS
STRATEGIC PLANING 12TH FLOOR
NORFOLK SOUTHERN CORPORATION
3 COMMERCIAL PLACE
NORFOLK, VA 23510

RE: Docket No AB-290(sub-No 334X) Norfolk Southern Railway Company
Abandonment – in Calhoun County, Alabama
Calhoun County (015)


Dear Mr. Kirchner,

The Department's Water Division (WD) has reviewed the information you sent us regarding the above-referenced project. You had requested that we review this information and provide comments.

Attached, please find a copy of WD's proposed project/activity review information

I hope this information is useful. If you have any questions or need additional information, please contact Stephanie C. Bailey by email at sbailey@adem.state.al.us or by phone at (334) 394-4314.

Sincerely,


Stephanie C. Bailey
Construction Permits Section
Stormwater Management Branch
Water Division

File.PREV

Enclosure: Proposed Project/Activity Review Information
Copy of Review Request Letter
Construction Stormwater NOI

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1803 (FAX)

Decatur Branch
2715 Sangin Road, S W
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (FAX)

ADEM CONSTRUCTION STORMWATER PROPOSED PROJECT/ACTIVITY REVIEW INFORMATION

The Department has received and evaluated the information you sent us regarding the above-referenced project. You had requested that we review this information and provide comments.

Please note that State law and ADEM regulations require that appropriate, effective Best Management Practices (BMPs) for the control of pollutants in stormwater run-off be fully implemented and maintained as needed for all construction and land disturbance activities regardless of permit status or size of the disturbance to prevent/minimize discharges of sediment and other pollutants to waters of the State of Alabama

A "water of the state" is broadly defined as [§ 22-22-1(b)(2), Code of Alabama 1975, as amended] "All waters of any river, stream, watercourse, pond, lake, coastal, ground, or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership, or corporation unless such waters are used in interstate commerce." Discharges of pollutants resulting from failure to implement and maintain effective BMPs are considered unpermitted discharges to state waters.

Please be advised that pursuant to EPA rules and ADEM Construction General Permit (CGP) ALR100000, the operator or owner is required to apply for and maintain valid National Pollutant Discharge Elimination System (NPDES) coverage for stormwater discharges prior to beginning construction or regulated land disturbance that will equal or exceed one (1) acre in size. The regulations also require NPDES registration for disturbance activities less than one (1) acre that are part of, adjacent to, or associated with a larger common plan of development or sale, that may eventually equal or exceed one (1) acre, or if less than one (1) acre in size if stormwater discharges have reasonable potential to be a significant contributor of pollutants to a water of the State or have reasonable potential to cause or contribute to a violation of applicable Alabama water quality standards as determined by the Department. In addition, a Construction Best Management Practices Plan (CBMPP) is required to be submitted for priority construction sites as defined in the CGP. The regulated construction disturbance also includes, but is not limited to, associated areas utilized for support activities such as vehicle parking, equipment or supply storage areas, material stockpiles, temporary office areas, and access roads, and pre-construction activities performed in advance or in support of construction such as logging, clearing, and dewatering. Please be advised that an operator or owner must retain NPDES permit coverage until all disturbance activity, including phased construction, is complete.

Additional ADEM air, land, and/or water permits for discharges and regulated impacts resulting from the operation of the completed facility may be required.

Effective Best Management Practices (BMPs), as provided in the *Alabama Handbook For Erosion Control, Sediment Control, And Stormwater Management On Construction Sites And Urban Areas*, as amended, Alabama Soil and Water Conservation Committee (ASWCC), for prevention and control of nonpoint sources of pollutants must be implemented prior to, during, and after project implementation. Immediately after completion of the project, effective measures to ensure permanent revegetation, cover, and/or effective stormwater quality remediation must be implemented and maintained. The CGP requires that a CBMPP to reduce pollutant discharges to the maximum extent practicable be prepared by a qualified credentialed professional (QCP) as defined in the CGP, and retained onsite. Information regarding construction activities forms, and other helpful information is available on the ADEM WebPage at <http://www.adem.state.al.us/programs/water/constructionstormwater.cnt>

Tennessee River Watershed - In order to determine whether this project should be covered under an existing CWA Section 404, Nationwide, or General Permit, or Letter of Permission, you should contact the U. S. Army Corps of Engineers, Nashville District by mail at P.O. Box 1070, Nashville, TN 37202-1070 or by phone at (615) 736-5181. Facilities covered under a U.S. Army Corps of Engineers Individual 404 Permit, Nationwide or General Permit, or Letter of Permission must apply for NPDES stormwater coverage from ADEM, if construction or land disturbance above the Ordinary High Water Mark, or any non-dredge/fill operations below the Ordinary High Water Mark and associated upland dredge disposal sites that will equal or exceed one (1) acre or that are part of a larger common plan of development or sale in which disturbed acreage will eventually equal or exceed (1) acre.

All Other Alabama Watersheds - In order to determine whether this project should be covered under an existing CWA Section 404, Nationwide, or General Permit, or Letter of Permission, you should contact the U.S. Army Corps of Engineers, Mobile District by mail at PO Box 2288, Mobile, AL 36628-0001 or by phone at (251) 690-2658. Facilities covered under a U.S. Army Corps of Engineers Individual 404 Permit, Nationwide or General Permit, or Letter of Permission must apply for NPDES stormwater coverage from ADEM, if construction or land disturbance above the Ordinary High Water Mark, or any non-dredge/fill operations below the Ordinary High Water Mark and associated upland dredge disposal sites that will equal or exceed one (1) acre or that are part of a larger common plan of development or sale in which disturbed acreage will eventually equal or exceed (1) acre.

ADEM's Coastal Program manages uses and activities having the potential to significantly impact the coastal portions of Alabama and/or its resources. The Coastal Area is comprised of only a portion of Mobile and Baldwin counties and is defined as the lands and waters seaward of the continuous ten-foot contour. ADEM issues Coastal Program Non-Regulated Use Permits for commercial and residential developments greater than 5 acres in size, construction on Gulf-fronting properties intersected by the Construction Control Line, and groundwater wells that exceed 50 gallons per minute of water withdrawal. ADEM also must certify that permits issued by federal and state agencies, and projects conducted by those agencies, are consistent with the Coastal Program. ADEM accomplishes this by reviewing applications for permits submitted to other agencies. Therefore, it is recommended that applicants having development plans, or even considering development in the Coastal Area, consult with ADEM Coastal Program staff as soon as possible in the project development stage so that the applicant can learn of applicable requirements. Questions involving projects in the coastal area should be directed to the ADEM Coastal Office in Mobile.

You may also wish to contact: (1) the U.S. Fish & Wildlife Service and the Alabama Department of Conservation & Natural Resources. These are the Federal and State agencies, respectively, that have primacy and statutory authority to address potential impacts to endangered or threatened species, (2) the Office Of Water Resources, Alabama Department of Economic and Community Affairs, which is the State agency with primacy and statutory authority to address potential water quantity concerns or issues, (3) the State Fire Marshall and the Alabama Department of Industrial Relations which are the State agencies with primacy and statutory authority to address potential safety considerations regarding blasting, (4) the Alabama Department of Industrial Relations which requires permit coverage and reclamation bonding for most non-coal mining sites, (5) the Alabama Historical Commission which is the State agency with primacy and statutory authority to address preservation or potential impacts to surrounding or onsite historical or archaeological sites, (6) your local county health department for issues related to onsite sewage management, and (7) your local municipal or county government, or local zoning and planning agency, if applicable. For additional approvals that may apply to your project.

In recognition that projects are site specific in nature and conditions can change during project implementation, the Department reserves the right to require the submission of additional information or require additional management measures to be implemented, as necessary on a case-by-case basis, in order to ensure the protection of water quality. Responsibility for compliance with ADEM rules and permit requirements are not delegable by contract or otherwise. The operator or owner must ensure compliance. Any violations resulting from the actions of such person may subject the operator/owner to enforcement action.

ADEM permitting decisions are predicated on current regulatory requirements, established engineering standards and technical considerations, best management practices information, and formal administrative procedures in conformance with Departmental regulations and applicable Alabama law. Issuance of permit coverage by ADEM neither precludes nor negates an operator/owner's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals. ADEM permit coverage does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations.

If you have any questions or need additional information regarding construction stormwater permitting, please contact the Water Division in Montgomery at (334) 271-7700 or cswmail@adem.state.al.us

NOTICE OF INTENT - GENERAL PERMIT NUMBER ALR100000

NPDES PERMIT NUMBER ALR100000 IS A GENERAL PERMIT AUTHORIZING DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES THAT RESULT IN A TOTAL LAND DISTURBANCE OF ONE ACRE OR GREATER AND SITES LESS THAN ONE ACRE BUT ARE PART OF A LARGER COMMON PLAN OR DEVELOPMENT OR SALE

Mail to: Alabama Department of Environmental Management
Water Division
Post Office Box 301463
Montgomery, Alabama 36130-1463

FOR OFFICE USE ONLY
NPDES PERMIT NUMBER
RECEIPT NUMBER

PLEASE COMPLETE ALL QUESTIONS. RESPOND WITH "N/A" AS APPROPRIATE. INCOMPLETE OR INCORRECT ANSWERS OR MISSING SIGNATURES WILL DELAY PROCESSING. IF SPACE IS INSUFFICIENT, CONTINUE ON AN ATTACHED SHEET(S) AS NECESSARY. ATTACH CBMPP AND OTHER INFORMATION AS NEEDED. PLEASE TYPE OR PRINT LEGIBLY IN INK.

I. PERMITTEE INFORMATION Initial ☐ Modification ☐ Transfer ☐ Renewal ☐ Previous ALR _____

Permittee Name	Responsible Official Phone Number
Responsible Owner/Operator or Official, and Title	Responsible Official E-Mail Address
Responsible Official (RO) Street/Physical Address	City, State, and Zip Code
Responsible Official (RO) Mailing Address	City, State, and Zip Code

II. FACILITY INFORMATION

Facility/Site Name	Facility Contact and Title
Facility Street Address or Location Description	Facility Contact Phone Number
Facility Front Gate Latitude and Longitude	City Zip Code County(s)
Directions to the Site	

III. ACTIVITY DESCRIPTION

Brief Description of Construction / Land disturbance activity(s)		
Area of the Permitted site	Total site area in acres	Total disturbed area in acres

IV. RECEIVING WATERS

List name of receiving water(s), latitude & longitude (decimal or deg,min,sec) of location(s) that run-off enters the receiving water, and the waterbody classification			
Receiving Water	Latitude	Longitude	Waterbody Classification

V. PRIORITY CONSTRUCTION SITE

Is this a Priority Construction Site? Yes ☐ No ☐ If yes, attach/submit a copy of the CBMPP

VI. FACILITY MAP

Please attach a USGS topographic map showing the location of the Facility including site boundaries.

VII. QUALIFIED CREDENTIALLED PROFESSIONAL (QCP) CERTIFICATION

"I certify under penalty of law that a comprehensive Construction Best Management Practices Plan (CBMPP) for the prevention and minimization of all sources of pollution in stormwater and authorized related process wastewater runoff has been prepared under my supervision for this site/activity, and associated regulated areas/activities. The CBMPP meets the requirements of this permit and if properly implemented and maintained by the operator, discharges of pollutants in stormwater runoff can reasonably be expected to be effectively minimized to the maximum extent practicable according to the requirements of ADEM Administrative Code Chapter 335-6-6-23 and this Permit. The CBMPP describes the erosion and sediment control measures that must be fully implemented and regularly maintained as needed at the permitted site in accordance with sound sediment and erosion control practices to ensure the protection of water quality."

QCP Designation/Description _____

Address _____

Registration / Certification _____

Name and Title (type or Print) _____

Phone Number _____

Signature _____

Date Signed _____

VIII. OPERATOR - RESPONSIBLE OFFICIAL SIGNATURE

Pursuant to ADEM Administrative Code Rule 335-6-6-09, this NOI must be signed by a Responsible Official of the permittee who is the operator, owner, the sole proprietor of a sole proprietorship, a general/controller member or partner, a ranking elected official or other duly authorized representative for a unit of government, or an executive officer of at least the level of vice-president for a corporation, having overall responsibility and decision making for the site/activity. "I certify under penalty of law that this form, the CBMPP, and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the qualified credentialed professional (QCP) and other person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, correct, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations. I certify that this form has not been altered, and if copied or reproduced, is consistent in format and identical in content to the ADEM approved form. I further certify that the proposed discharges described in this registration have been evaluated for the presence of any non-construction and/or coal/mineral mining stormwater, or process wastewaters have been fully identified."

Name and Title (type or Print) _____

Official Title _____

Signature _____

Date Signed _____

St. Dennis, Kearston Comegys

From: Beth Walls <Walls.Beth@epa.gov>
Sent: Tuesday, May 08, 2012 9:04 AM
To: Comegys, Kearston
Cc: Heinz Mueller
Subject: Docket No. AB-290 (Sub-No. 334X) Norfolk Southern Railway Company - Abandonment in Calhoun County, Alabama

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: unavailable

Dear Mr. Comegys,

I am responding on behalf of Heinz Mueller (addressee) regarding Mr. Marcellus Kirchner's May 1, 2012, letter to US EPA, Region 4, regarding a request for EPA's review of the proposed 1.81 mile rail line abandonment project in Anniston City, Calhoun County, Alabama. Mr. Kirchner requested EPA direct our response to you.

According to the above-referenced letter, NS is proposing to abandon rail line between former Eastern Alabama Railway mileposts LAM 508.08 and 509.89. The letter indicates the potential removal of a bridge on the line immediately south of 13th street. The letter also indicates all associated deconstruction debris and related material will be removed and any discharges into waterways will be prevented. This letter requested EPA's advice as to whether a Clean Water Act (CWA) Section 402 permit would be needed.

The requirement for a CWA permit is triggered by the presence of CWA-defined waters. EPA is finding the provided information is insufficient to give a concrete answer as to whether a CWA permit is needed. The enclosed DeLorme Street Atlas map shows the targeted rail line segment in an area of Anniston with numerous streets but no waterways. The letter is insufficiently detailed to contradict the map's absence of a waterway. It is unclear whether the parameters chosen for creating the map included waterways. Therefore, EPA is unable to determine from the information provided whether the bridge in question may traverse an unidentified waterway or whether it actually crosses a street, i.e., 13th street.

I can tell you EPA has delegated its CWA implementation to the State of Alabama (Alabama Department of Environmental Management (ADEM)). The State has met EPA's criteria to implement the CWA in lieu of EPA. Consequently, compliance with the State of Alabama's CWA-equivalent permit is sufficient to meet EPA's CWA requirements. Additionally, regardless of whether a specified waterway exists in the bridge's vicinity, there may be potential storm water concerns depending on the specific actions NS undertakes, details absent from the letter. Consequently, in addition to ADEM, I would recommend NS also contact the appropriate City of Anniston department responsible for implementing the Municipal Separate Storm Sewer Systems (MS4) program. The City is required to obtain a MS4 permit from the State. EPA anticipates NS, as a corporate citizen, would be reluctant for any of its activities to possibly cause the City to be unable to comply with its MS4 permit requirements. I am providing a website to facilitate NS' access to information on ADEM's water program, including EPA's delegated CWA program and the MS4

program, see. <http://adem.alabama.gov/programs/water/default.cnt>

EPA greatly appreciates NS' environmental stewardship efforts on this proposed action. If we may be of further service, please let me know.

Sincerely,



Beth Walls

Environmental Scientist,
404-562-8309 & walls.beth@epa.gov
Region 4, NEPA Program Office
Sam Nunn AEC, 61 Forsyth St.,
Atlanta, Ga 30303-8960



ATTACHMENT 2
CONSULTING AGENCY RESPONSES TO
ENVIRONMENTAL AND HISTORIC REPORT
(POST-CIRCULATION)



Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9207

BIR

Pre-App
James
SAM 2012-01434-JTC

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

October 30, 2012

RE: STB Docket No. AB-290 (Sub-No. 334X), Norfolk Southern Railway Company -
Abandonment - in Calhoun County, Alabama

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon 1.81 miles of rail line between former Eastern Alabama Railway Milepost LAM 508.08 and Milepost LAM 509.89 in Calhoun County, Alabama.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).


This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to Kearston St. Dennis by email at Kearston.StDennis@nscorp.com, or by mail to
U.S. Army Corps of Engineers

A Department of the Army permit will not be required for your project as proposed.


PROJECT MANAGER
REGULATORY DIVISION
DATE 11/15/2012

Operating Subsidiary Norfolk Southern Railway Company

NOV 07 2012

NOV 07 2012



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY ALABAMA 36130-0900

FRANK W. WHITE
EXECUTIVE DIRECTOR

TEL 334-242-3184
FAX 334-240-3477

November 21, 2012

Marcellus C. Kirchner
Norfolk Southern Railway
3 Commercial Place
Norfolk, Virginia 23510-9207

Re: AHC 13-0178
STB Docket No. AB-290 (Sub-No. 334X)
I-81 Miles Line Abandonment
Calhoun County, Alabama

Dear Mr. Kirchner:

Upon review of the information forwarded by your office, we have determined that the proposed activities will have no effect on properties listed on or eligible for the National Register of Historic Places (NRHP). Therefore, we concur with this project. However, should artifacts or archaeological features be encountered during project activities, work shall cease and our office shall be consulted immediately.

We appreciate your continued efforts on this project. Should you have any questions, please contact Greg Rhinehart at (334) 230-2662. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/GCR/gcr



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
BIRMINGHAM FIELD OFFICE
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35209

Date. 11.8.11

Dear Applicant:

We are in receipt of your request/application to PRE-APP

Your request/application has been assigned project file number

SAM-2012-01424-JOC and is also identified as Norfolk Southern
Railway Co Abandonment

Your project has been assigned to Project Manager JAMES CHERRY

You may contact him/her either by telephone at (205) 290-9096, by email at

JAMES.S.CHERRY @ usace.army.mil or by mail at

218 Summit Parkway Suite 222, Homewood, Alabama 35209

Please help us help you, and take a moment to visit our website at

<http://www.sam.usace.army.mil/RD/reg/> and complete our customer satisfaction Survey.

Sincerely,

Cg House-Pearson

Cindy J. House-Pearson
Field Office Manager
Regulatory Division

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

December 4, 2012

Ms Kearston St Dennis, Coordinator - Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

RE: STB Docket No. AB-290 (Sub-No 334X), Norfolk Southern Railway Company -
Abandonment - in Calhoun County, Alabama

Dear Ms. St. Dennis:

We have reviewed your submittal regarding the referenced project. Based on the information you provided, we have no objections to the project as presented. Please ensure that the following general requirements are met:

1. The project must comply with the storm water permitting requirements found at <http://www.adem.state.al.us/FieldOps/Permitting/ConstructionProject.pdf>.
2. The project must comply with all applicable Department regulations.

This letter should not be construed as an approval on behalf of any other agency. If you have any questions, please contact me at (334) 271-7864.

Sincerely,

A handwritten signature in black ink that reads "Corynella L. Price". The signature is written in a cursive, flowing style.

Corynella L. Price
SRF Section
Permits and Services Division

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942 8188
(205) 941 1803 (FAX)

Decatur Branch
2715 Sandlin Road, S W
Decatur, AL 35603-1333
(256) 353-1713
(256) 340 9359 (FAX)



Mobile Branch
2204 Penimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-8533
(251) 432-8598 (FAX)

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 334X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN CALHOUN COUNTY, ALABAMA**

VERIFIED NOTICE OF EXEMPTION

**DRAFT NOTICE OF EXEMPTION
[CAPTION SUMMARY]**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 334X)]

Norfolk Southern Railway Company—Abandonment Exemption—in Calhoun County, PA

Norfolk Southern Railway Company (NSR) has filed on January 30, 2013, a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 1.81 miles of rail line extending from former Eastern Alabama Railway milepost LAM 508.08 (near the intersection of W 10th and Pipe Streets in Anniston) to milepost LAM 509.89 (to the east of the eastern end of W 30th Street, also in Anniston), located in Calhoun County, Alabama. The line traverses United States Postal Service Zip Code 36201.

NSR has certified as follows. (1) no local traffic has moved over the line for at least 2 years, (2) there is no overhead traffic on the subject line (and that any overhead traffic could be re-routed over other lines in any event); (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report).

49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To

address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 21, 2013, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),² and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____, 2013. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2013, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's representative:
Robert A. Wimbish, Baker & Miller P.L.L.C., 2401 Pennsylvania Ave., NW, Suite 300,
Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2013. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 C.F.R. § 1002.2(f)(25).

through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision

Pursuant to the provisions of 49 C.F.R. § 1152.29(c)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by _____, 2014, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV"

Decided: _____, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.